

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:05-CR-163

v.

HON. ROBERT HOLMES BELL

TIMOTHY ISADORE MINOR, II,

Defendant.

/

MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #1233). Based on a review of defendant's motion, the Sentence Modification Report, submission by counsel for both parties, and the original criminal file, the Court has determined that the motion should be denied for the following reason(s):

Defendant was sentenced on May 15, 2007 to 150 months custody and 5 years supervised release following his conviction for Conspiracy to Distribute and to Possess with Intent to Distribute 50 Grams or More of Cocaine Base, 5 Kilograms or More of Cocaine, 1 Kilogram or More of Heroin, and 100 Kilogram or More of Marijuana contrary to 21 U.S.C. §§846 and 841(a)(1), (b)(1)(A)(I) & (b)(1)(B)(vii). On November 10, 2012, the Court reduced defendant's term of custody to 132 months due to the retroactive application of

Amendments 706 and 711 to the United States Sentencing Guidelines. The Sentence Modification Report prepared by the United States Probation Office calculated defendant's guideline range at that time to be 168 to 210 months based on a total offense level of 33 and a criminal history category III.

The Sentence Modification Report prepared as a result of defendant's Amendment 750 motion states that defendant's total offense level, criminal history category, and guideline range remain unchanged from the last sentence modification.

Since Amendment 750 does not result in a lower guideline range, defendant is not eligible for a sentence reduction under 18 U.S.C. §3582(c)(2) and USSG §1B1.10(a)(2)(B).

ACCORDINGLY, defendant's motion (docket #) is **DENIED**.

Date: July 16, 2012

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE